

**UNITED STATES BANKRUPTCY COURT
District of New Jersey**

IN RE: **Matthew K Sobke
Victoria A Sobke**

Debtor(s)

Case No.: 15-24693

Judge: _____

Chapter: 13

CHAPTER 13 PLAN AND MOTIONS - AMENDED

☐ Original

☐ Motions Included

☒ Modified/Notice Required

☐ Modified/No Notice Required

☒ Discharge Sought

☐ No Discharge Sought

Date: _____

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE.

YOUR RIGHTS WILL BE AFFECTED.

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

Part 1: Payment and Length of Plan

a. The Debtor shall pay 883.00 Monthly* to the Chapter 13 Trustee, starting on ____ for approximately 60 months.

b. The Debtor shall make plan payments to the Trustee from the following sources:

☒ Future Earnings

☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property

Description:

Proposed date for completion: _____

☐ Refinance of real property

Description:

Proposed date for completion: _____

☒ Loan modification with respect to mortgage encumbering property

Description: **loan modification completed and approved**

Proposed date for completion: _____

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$ ____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to ____ (creditor).

b. Adequate protection payments will be made in the amount of \$ ____ to be paid directly by the debtor(s) outside of the Plan, pre-confirmation to ____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Candye I. Smith-Sklar ~90828	Attorney Fees	1,800.00

Part 4: Secured Claims

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the Debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
-NONE-					

b. Modification

1.) The Debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
Chrysler Capital	2014 Dodge Charger	17,287.00	16,570.00	None	16,570.00	4.00	17,312.51
Green Tree Servicing	234 Hunter Avenue Hamilton, NJ 08610 Keep Green Tree second mortgage 1 year behind Cenlar first mortgage	54,816.63	120,123.00	primary mortgage Central Loan Admin & R - 136,572.87	No value	N/A	0.00

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
-NONE-			

d. Secured Claims Unaffected by the Plan

The following secured claims are unaffected by the Plan:

Creditor
Central Loan Admin & R

e. Secured Claims to be paid in full through the Plan

Creditor	Collateral	Total Amount to be Paid through the Plan
-NONE-		

Part 5: Unsecured Claims

a. Not separately classified Allowed non-priority unsecured claims shall be paid:

____ Not less than \$ ____ to be distributed *pro rata*

____ Not less than ____ percent

 x *Pro Rata* distribution from any remaining funds

b. Separately Classified Unsecured Claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
-NONE-			

Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor
-NONE-		

Part 7: Motions

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, Notice of Chapter 13 Plan Transmittal, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Certification of Service must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f).

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
Cach of NJ, LLC	234 Hunter Avenue Hamilton, NJ 08610 Keep Green Tree second mortgage 1 year behind Cenlar first mortgage	Judgment Lien	6,887.62	120,123.00	0.00	191,389.50	6,887.62

b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured.

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified
Green Tree Servicing	234 Hunter Avenue Hamilton, NJ 08610 Keep Green Tree second mortgage 1 year behind Cenlar first mortgage	54,816.63

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
Chrysler Capital	2014 Dodge Charger	16,570.00	717.00

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon Confirmation
☐ Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee Commissions
- 2) Other Administrative Claims
- 3) Secured Claims
- 4) Lease Arrearages
- 5) Priority Claims
- 6) General Unsecured Claims

d. Post-petition claims

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

e. Other Provisions:

*This plan is a step plan or has lumpsum payments as follows: \$883.00 per month for 24 months, then \$407.00 per month for 36 months

Tier plan pending the outcome of a loan modifaciton

Part 9 : Modification

If this plan modifies a plan previously filed in this case, complete the information below.

Date of Plan being modified:.

Explain below why the Plan is being modified.	Explain below how the Plan is being modified
Plan modified to remove mortgage arrears from plan since debtors received a loan modification	Modified plan to remove mortgage arrears since debtors were approved for a loan modification. Debtors vehicle is the only debt to be paid through plan
Are Schedules I and J being filed simultaneously with this modified Plan? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

Part 10: Sign Here

The debtor(s) and the attorney for the debtor (if any) must sign this Plan.

Date August 24, 2017

/s/ Candyce I. Smith-Sklar

Candyce I. Smith-Sklar

Attorney for the Debtor

I certify under penalty of perjury that the foregoing is true and correct.

Date: August 24, 2017

/s/ Matthew K Sobke

Matthew K Sobke

Debtor

Date: August 24, 2017

/s/ Victoria A Sobke

Victoria A Sobke

Joint Debtor

Certificate of Notice Page 7 of 8
 United States Bankruptcy Court
 District of New Jersey

In re:
 Matthew K Sobke
 Victoria A Sobke
 Debtors

Case No. 15-24693-KCF
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
 Form ID: pdf901

Page 1 of 2
 Total Noticed: 26

Date Rcvd: Aug 25, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 27, 2017.

db/jdb +Matthew K Sobke, Victoria A Sobke, 234 Hunter Avenue, Trenton, NJ 08610-3525
 lm +Cenlar Mortgage, PO Box 77404, Ewing, NJ 08628-6404
 515662269 +BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
 (address filed with court: Bk Of Amer, Po Box 982235, El Paso, TX 79998)
 515662270 +Bk Of Amer, 1800 Tapo Canyon Rd, Simi Valley, CA 93063-6712
 515662271 +Cach of NJ, LLC, c/o Fein, Such, Kahn & Shepard, P.C., 7 Century Drive, Suite 201,
 Parsippany, NJ 07054-4609
 515662272 +Cach of NJ, LLC, 4340 South Monaco Street, Denver, CO 80237-3485
 515662273 +Capital One, Attn: Bankruptcy, Po Box 30285, Salt Lake City, UT 84130-0285
 515715903 Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083
 515662274 +Cenlar FSB, c/o Kivitz McKeever Lee, PC, 216 Haddon Avenue, STE 406,
 Collingswood, NJ 08108-2812
 515662276 +Chrysler Capital, P.O. Box 961275, Fort Worth, TX 76161-0275
 515662277 +Citibank/The Home Depot, Citicorp Credit Svcs/Centralized Bankrup, Po Box 790040,
 Saint Louis, MO 63179-0040
 515662278 +Client Services, Inc., 3451 Harry S Truman Blvd, Saint Charles, MO 63301-9816
 515662281 +N J L, 225 E State St Ste 1, Trenton, NJ 08608-1800
 515662282 +New Jer Hus/dovenmuehl, 1 Corporate Dr, Lake Zurich, IL 60047-8944
 515831140 +New Jersey Housing & Mortgage Finance Agency, c/o Cenlar FSB, 425 Phillips Blvd,
 Ewing, NJ 08618-1430
 515662283 +Pnc Bank, Po Box 5570, Cleveland, OH 44101-0570
 516289906 +Wollemi Acquisitions, LLC, Ascension Capital Group, P.O. Box 165028,
 Irving, TX 75016-5028

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov Aug 25 2017 23:20:54 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
 smg +E-mail/Text: ustpreregion03.ne.ecf@usdoj.gov Aug 25 2017 23:20:51 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 516290731 +E-mail/PDF: acg.acg.ebn@americaninfosource.com Aug 25 2017 23:25:01 Ascension Capital Group,
 Attn: Wollemi Acquisitions, LLC Dept, P.O. Box 165028, Irving, TX 75016-5028
 515662268 +E-mail/Text: BANKRUPTCY@ASSETACCEPTANCE.COM Aug 25 2017 23:20:49 Asset Acceptance, LLC,
 PO Box 2036, Warren, MI 48090-2036
 515662275 +E-mail/Text: kzoepfel@credit-control.com Aug 25 2017 23:20:55 Central Loan Admin & R,
 425 Phillips Blvd, Ewing, NJ 08618-1430
 515662279 +E-mail/Text: bankruptcy.bnc@ditech.com Aug 25 2017 23:20:41 Green Tree Servicing,
 P.O. Box 6172, Rapid City, SD 57709-6172
 515662280 +E-mail/Text: bankruptcydpt@mcsmcg.com Aug 25 2017 23:20:50 Midland Credit Management, Inc.,
 8875 Aero Drive, Suite 200, San Diego, CA 92123-2255
 515662284 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Aug 25 2017 23:30:49
 Portfolio Recovery, Attn: Bankruptcy, Po Box 41067, 120 Corporate Blvd,
 Norfolk, VA 23541
 515794280 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Aug 25 2017 23:42:05
 Portfolio Recovery Associates, LLC, C/O Capital One Bank (usa), N.a., POB 41067,
 Norfolk VA 23541

TOTAL: 9

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 27, 2017

Signature: /s/Joseph Speetjens

District/off: 0312-3

User: admin
Form ID: pdf901

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Total Noticed: 26

Date Rcvd: Aug 25, 2017

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 24, 2017 at the address(es) listed below:

Albert Russo on behalf of Trustee Albert Russo docs@russotrustee.com
Albert Russo docs@russotrustee.com
Albert Russo (NA) on behalf of Trustee Albert Russo docs@russotrustee.com
Candyce Ilene Smith-Sklar on behalf of Joint Debtor Victoria A Sobke mail@njpalaw.com
Candyce Ilene Smith-Sklar on behalf of Debtor Matthew K Sobke mail@njpalaw.com
Denise E. Carlon on behalf of Creditor JPMorgan Chase Bank, National Association
dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Denise E. Carlon on behalf of Creditor New Jersey Housing & Mortgage Finance Agency
bankruptcynotice@zuckergoldberg.com, bkgroup@kmlawgroup.com
Joshua I. Goldman on behalf of Creditor JPMorgan Chase Bank, National Association
jgoldman@kmlawgroup.com, bkgroup@kmlawgroup.com
Joshua I. Goldman on behalf of Creditor New Jersey Housing & Mortgage Finance Agency
jgoldman@kmlawgroup.com, bkgroup@kmlawgroup.com

TOTAL: 9